

# Court of Appeals, State of Michigan

## ORDER

Edward A Herrgard v Cathleen V Herrgard

Docket No. 274289

LC No. 91-123446-DM

Michael J. Talbot  
Presiding Judge

Brian K. Zahra

Christopher M. Murray  
Judges

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In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(D)(2), that the October 24, 2006, order of the Wayne Circuit Court denying plaintiff's motion to modify the Qualified Domestic Relations Order (QDRO) hereby is REVERSED. On remand, a lower court is to strictly comply with the appellate court's mandate. *Rodriguez v General Motors (On Remand)*, 204 Mich App 509, 514; 516 NW2d 105 (1994). The case is REMANDED to the circuit court for it to grant plaintiff's motion to modify the QDRO as set forth in this Court's March 2, 2006, opinion and as set forth in plaintiff's proposed "First Amended Qualified Domestic Relations Order" attached as Exhibit 8 to the application. The court is directed to issue the order within 42 days of the Clerk's certification of this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 18 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk